

12-1-1602 INDUSTRIAL PERFORMANCE STANDARDS (applies to all industrial uses)

1. Purpose

The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect Juab County from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

2. General

No land or building devoted to uses authorized by this Title shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or water; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements."

a. State Agency Notification

The Juab County Zoning Administrator shall confirm that the Environmental Health Services Section of the State Board of Health is informed of all applicants for uses authorized by this .

b. Performance Standards Review

In addition to meeting other application requirements, applicants seeking approval for a light or medium industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Planning Commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Section 3 of this . Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.

c. Ruling by Planning Commission

Within 20 days after the Commission has received the aforesaid application or report, if a report was required, or within such period as agreed to by the applicant, the Commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the Commission may require a modification of the proposed plans, construction specifications, device or operation, and shall so inform the Building Inspector.

d. Continued Compliance

Any use so authorized shall not relieve the applicant of the responsibility of meeting such standards when the plant is in operation; and, in case of a

failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards shall be the sole responsibility of the applicant. These standards shall be established as conditions for approval of the proposed development.

e. Continued Enforcement

The Administrator shall investigate any purported violation of performance standards; and, if necessary for such investigation, may request that the Planning Commission employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation has existed or does exist, it shall order the Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the plant will be shut down. Should the violation of performance standards threaten the public health, convenience, or welfare, the Planning Commission may order the offending plant to cease operation until proper steps are taken to correct the conditions which caused the violation. The services of any qualified experts, employed by the Planning Commission to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise it shall be paid by the County.

f. Locations Where Determinations Are To Be Made for Enforcement of Performance Standards

The determination of the existence of dangerous and objectionable elements shall be made at any point; provided, however, that the measurements having to do with noise, vibration, odors, or glare, shall be taken at the lot line of the establishment or use.

3. Dangerous and Objectionable Elements

a. Noise

Maximum Permissible Levels. The maximum permissible noise level that may be emitted by any industrial use from a stationary, permanent source of sound shall be 85 dBA as measured at the boundary of the property, not to exceed and Ldn of 55 dBA (measured as the energy average (Leq) of the daytime facility sound level, plus the nighttime facility sound level plus 10 dBA), nor more than 70 dBC measured at the nearest occupied residence.

1) Exceptions: These provisions shall not apply to the following uses and activities:

a) Noises of safety signals, warning devices, and emergency pressure relief valves.

b) Noises resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency.

c) Noises resulting from emergency work.

d) Loudspeakers or other sound amplification device operated by a peace officer or member of the fire department in the performance of official duties.

e) Any other noise resulting from activities of a temporary duration

permitted by law.

f) Any aircraft or railroad equipment operated in conformity with, or pursuant to, state statute, federal law or federal regulations, and traffic-control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.

g) Noise from an exterior alarm system of any building or vehicle provided such alarm shall terminate its operation within five (5) minutes of its activation.

h) Sound from any bell or chime from any building clock, school or church, or sound from unamplified music or song emanating from any church or school.

i) Noise from construction equipment provided all motorized equipment used in such activity is equipped with functioning mufflers.

j) Noise from domestic power tools, when operated between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

k) Noise from snow blowers, snow throwers, and snowplows when operated with a muffler for the purpose of snow removal.

l) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

m) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday.

b. Vibration

No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.

c. Odors

No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

d. Glare

No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this Ordinance.

e. Fire and Explosion Hazards

All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.

f. Air Pollution

No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

g. Liquid or Solid Wastes

No discharge at any point into a public sewer, private sewage system, or stream, or into the ground shall be allowed contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code of Solid Waste Disposal Regulations.